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**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

PAUL QASSIS and PETRA HOLDINGS,  
LLC,

Plaintiffs,

v.

BOROUGH OF CARLSTADT,

Defendant.

Civil Action No.:  
2:22-cv-03713-SDW-MAH

**ANSWER OF DEFENDANT  
BOROUGH OF CARLSTADT, SEPARATE  
DEFENSES, JURY DEMAND,  
DESIGNATION OF TRIAL COUNSEL AND  
CERTIFICATION**

Defendant Borough of Carlstadt, by and through its attorneys Brickfield & Donahue, and by way of Answer to the Complaint of the Plaintiffs, says:

**INTRODUCTION**

1. Defendant Borough of Carlstadt denies the allegations set forth in Paragraph One of Plaintiffs' Complaint.

**PARTIES**

2. Defendant Borough of Carlstadt lacks knowledge or information sufficient to form a belief as to the truth of

the allegations set forth in Paragraph Two of Plaintiffs' Complaint.

3. Defendant Borough of Carlstadt lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in Paragraph Three of Plaintiffs' Complaint.

4. Defendant Borough of Carlstadt admits to the allegations set forth in Paragraph Four of Plaintiffs' Complaint.

#### **JURISDICTION AND VENUE**

5. Defendant Borough of Carlstadt lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in Paragraph Five of Plaintiffs' Complaint.

6. Defendant Borough of Carlstadt lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in Paragraph Six of Plaintiffs' Complaint.

#### **FACTUAL AND LEGAL BACKGROUND**

##### **A. Carlstadt's History of Opposing Affordable Housing**

7. Defendant Borough of Carlstadt admits to the allegations set forth in Paragraph Seven of Plaintiffs' Complaint.

8. Defendant Borough of Carlstadt admits to the allegations set forth in Paragraph Eight of Plaintiffs' Complaint.

9. Defendant Borough of Carlstadt admits to the allegations set forth in Paragraph Nine of Plaintiffs' Complaint.

10. Defendant Borough of Carlstadt admits to the allegations set forth in Paragraph Ten of Plaintiffs' Complaint.

11. Defendant Borough of Carlstadt admits to the allegations set forth in Paragraph Eleven of Plaintiffs' Complaint.

12. Defendant Borough of Carlstadt admits to the allegations set forth in Paragraph Twelve of Plaintiffs' Complaint.

**B. Carlstadt's Initial Resistance to Petra's Project**

13. Defendant Borough of Carlstadt lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in Paragraph Thirteen of Plaintiffs' Complaint.

14. Defendant Borough of Carlstadt lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in Paragraph Fourteen of Plaintiffs' Complaint.

15. Defendant Borough of Carlstadt lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in Paragraph Fifteen of Plaintiffs' Complaint.

16. Defendant Borough of Carlstadt denies the allegations set forth in Paragraph Sixteen of Plaintiffs' Complaint.

17. Defendant Borough of Carlstadt denies the allegations set forth in Paragraph Seventeen of Plaintiffs' Complaint.

18. Defendant Borough of Carlstadt lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in Paragraph Eighteen of Plaintiffs' Complaint.

19. Defendant Borough of Carlstadt admits to the allegations set forth in Paragraph Nineteen of Plaintiffs' Complaint.

20. Defendant Borough of Carlstadt admits to the allegations set forth in Paragraph Twenty of Plaintiffs' Complaint.

21. Defendant Borough of Carlstadt admits to the allegations set forth in Paragraph Twenty-One of Plaintiffs' Complaint.

22. Defendant Borough of Carlstadt admits to the allegations set forth in Paragraph Twenty-Two of Plaintiffs' Complaint.

23. Defendant Borough of Carlstadt admits to the allegations set forth in Paragraph Twenty-Three of Plaintiffs' Complaint.

24. Defendant Borough of Carlstadt lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in Paragraph Twenty-Four of Plaintiffs' Complaint.

25. Defendant Borough of Carlstadt admits to the allegations set forth in Paragraph Twenty-Five of Plaintiffs' Complaint.

26. Defendant Borough of Carlstadt admits to the allegations set forth in Paragraph Twenty-Six of Plaintiffs' Complaint.

**C. Carlstadt Attempts to Take Credit for the Project's Affordable Housing, Then Reneges on its Obligations under the Settlement in the 2015 Litigation**

27. Defendant Borough of Carlstadt admits to the allegations set forth in Paragraph Twenty-Seven of Plaintiffs' Complaint.

28. Defendant Borough of Carlstadt admits to the allegations set forth in Paragraph Twenty-Eight of Plaintiffs' Complaint.

29. Defendant Borough of Carlstadt admits to the allegations set forth in Paragraph Twenty-Nine of Plaintiffs' Complaint.

30. Defendant Borough of Carlstadt admits to the allegations set forth in Paragraph Thirty of Plaintiffs' Complaint.

31. Defendant Borough of Carlstadt admits to the allegations set forth in Paragraph Thirty-One of Plaintiffs' Complaint.

32. Defendant Borough of Carlstadt admits to the allegations set forth in Paragraph Thirty-Two of Plaintiffs' Complaint.

33. Defendant Borough of Carlstadt admits to the allegations set forth in Paragraph Thirty-Three of Plaintiffs' Complaint.

34. Defendant Borough of Carlstadt admits to the allegations set forth in Paragraph Thirty-Four of Plaintiffs' Complaint.

35. Defendant Borough of Carlstadt lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in Paragraph Thirty-Five of Plaintiffs' Complaint.

36. Defendant Borough of Carlstadt lacks knowledge or information sufficient to form a belief as to the truth of

the allegations set forth in Paragraph Thirty-Six of Plaintiffs' Complaint.

37. Defendant Borough of Carlstadt lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in Paragraph Thirty-Seven of Plaintiffs' Complaint.

38. Defendant Borough of Carlstadt lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in Paragraph Thirty-Eight of Plaintiffs' Complaint.

39. Defendant Borough of Carlstadt lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in Paragraph Thirty-Nine of Plaintiffs' Complaint.

40. Defendant Borough of Carlstadt lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in Paragraph Forty of Plaintiffs' Complaint.

41. Defendant Borough of Carlstadt lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in Paragraph Forty-One of Plaintiffs' Complaint.

42. Defendant Borough of Carlstadt lacks knowledge or information sufficient to form a belief as to the truth of

the allegations set forth in Paragraph Forty-Two of Plaintiffs' Complaint.

43. Defendant Borough of Carlstadt lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in Paragraph Forty-Three of Plaintiffs' Complaint.

44. Defendant Borough of Carlstadt lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in Paragraph Forty-Four of Plaintiffs' Complaint.

45. Defendant Borough of Carlstadt admits to the allegations set forth in Paragraph Forty-Five of Plaintiffs' Complaint.

46. Defendant Borough of Carlstadt lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in Paragraph Forty-Six of Plaintiffs' Complaint.

47. Defendant Borough of Carlstadt lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in Paragraph Forty-Seven of Plaintiffs' Complaint.

**D. Carlstadt Takes Affirmative Steps to Undermine the Project**

48. Defendant Borough of Carlstadt admits to the allegations set forth in Paragraph Forty-Eight of



Plaintiffs' Complaint.

49. Defendant Borough of Carlstadt admits to the allegations set forth in Paragraph Forty-Nine of Plaintiffs' Complaint.

50. Defendant Borough of Carlstadt admits to the allegations set forth in Paragraph Fifty of Plaintiffs' Complaint.

51. Defendant Borough of Carlstadt lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in Paragraph Fifty-One of Plaintiffs' Complaint.

52. Defendant Borough of Carlstadt denies the allegations set forth in Paragraph Fifty-Two of Plaintiffs' Complaint.

53. Defendant Borough of Carlstadt denies the allegations set forth in Paragraph Fifty-Three of Plaintiffs' Complaint.

54. Defendant Borough of Carlstadt denies the allegations set forth in Paragraph Fifty-Four of Plaintiffs' Complaint.

55. Defendant Borough of Carlstadt denies the allegations set forth in Paragraph Fifty-Five of Plaintiffs' Complaint.

56. Defendant Borough of Carlstadt lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in Paragraph Fifty-Six of Plaintiffs' Complaint.

57. Defendant Borough of Carlstadt denies the allegations set forth in Paragraph Fifty-Seven of Plaintiffs' Complaint.

58. Defendant Borough of Carlstadt denies the allegations set forth in Paragraph Fifty-Eight of Plaintiffs' Complaint.

**E. Carlstadt Claims a Fake "Emergency" and Effects a Taking of the Property in Order to Obstruct the Project**

59. Defendant Borough of Carlstadt denies the allegations set forth in Paragraph Fifty-Nine of Plaintiffs' Complaint.

60. Defendant Borough of Carlstadt lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in Paragraph Sixty of Plaintiffs' Complaint.

61. Defendant Borough of Carlstadt lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in Paragraph Sixty-One of Plaintiffs' Complaint.

62. Defendant Borough of Carlstadt admits to the

allegations set forth in Paragraph Sixty-Two of Plaintiffs' Complaint.

63. Defendant Borough of Carlstadt admits to hiring the contractor to backfill the excavation Project as part of the Borough's emergency declaration but lacks knowledge or information sufficient to form a belief as to the truth of the balance of the allegations set forth in Paragraph Sixty-Three of Plaintiffs' Complaint.

64. Defendant Borough of Carlstadt admits to the allegations set forth in Paragraph Sixty-Four of Plaintiffs' Complaint.

65. Defendant Borough of Carlstadt denies the allegations set forth in Paragraph Sixty-Five of Plaintiffs' Complaint.

66. Defendant Borough of Carlstadt denies the allegations set forth in Paragraph Sixty-Six of Plaintiffs' Complaint.

67. Defendant Borough of Carlstadt lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in Paragraph Sixty-Seven of Plaintiffs' Complaint.

68. Defendant Borough of Carlstadt lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in Paragraph Sixty-Eight of

Plaintiffs' Complaint.

69. Defendant Borough of Carlstadt lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in Paragraph Sixty-Nine of Plaintiffs' Complaint.

70. Defendant Borough of Carlstadt lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in Paragraph Seventy of Plaintiffs' Complaint.

71. Defendant Borough of Carlstadt denies the allegations set forth in Paragraph Seventy-One of Plaintiffs' Complaint.

72. Defendant Borough of Carlstadt admits to the allegations set forth in Paragraph Seventy-Two of Plaintiffs' Complaint.

73. Defendant Borough of Carlstadt denies the allegations set forth in Paragraph Seventy-Three of Plaintiffs' Complaint.

74. Defendant Borough of Carlstadt lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in Paragraph Seventy-Four of Plaintiffs' Complaint.

75. Defendant Borough of Carlstadt admits to the allegations set forth in Paragraph Seventy-Five of

Plaintiffs' Complaint.

76. Defendant Borough of Carlstadt admits to the allegations set forth in Paragraph Seventy-Six of Plaintiffs' Complaint.

77. Defendant Borough of Carlstadt denies the allegations set forth in Paragraph Seventy-Seven of Plaintiffs' Complaint.

78. Defendant Borough of Carlstadt admits to the allegations set forth in Paragraph Seventy-Eight of Plaintiffs' Complaint.

79. Defendant Borough of Carlstadt admits that revised shoring and excavation plans were provided to the Borough's Engineer in or about August 2020, however the Borough lacks knowledge or information sufficient to form a belief as to the truth of the balance of the allegations set forth in Paragraph Seventy-Nine of Plaintiffs' Complaint.

80. Defendant Borough of Carlstadt admits to the allegations set forth in Paragraph Eighty of Plaintiffs' Complaint.

81. Defendant Borough of Carlstadt denies the allegations set forth in Paragraph Eighty-One of Plaintiffs' Complaint.

82. Defendant Borough of Carlstadt denies the

allegations set forth in Paragraph Eighty-Two of Plaintiffs' Complaint.

83. Defendant Borough of Carlstadt admits to the allegations set forth in Paragraph Eighty-Three of Plaintiffs' Complaint.

84. Defendant Borough of Carlstadt admits that the referenced letters were written by Petra but lacks knowledge or information sufficient to form a belief as to the balance of the allegations set forth in Paragraph Eighty-Four of Plaintiffs' Complaint.

85. Defendant Borough of Carlstadt admits to the allegations set forth in Paragraph Eighty-Five of Plaintiffs' Complaint.

86. Defendant Borough of Carlstadt admits to requiring Petra revise its shoring plans before issuing the permits but denies the balance of the allegations set forth in Paragraph Eighty-Six of Plaintiffs' Complaint.

87. Defendant Borough of Carlstadt denies the allegations set forth in Paragraph Eighty-Seven of Plaintiffs' Complaint.

88. Defendant Borough of Carlstadt admits to the allegations set forth in Paragraph Eighty-Eight of Plaintiffs' Complaint.

89. Defendant Borough of Carlstadt lacks knowledge or

information sufficient to form a belief as to the truth of the allegations set forth in Paragraph Eighty-Nine of Plaintiffs' Complaint.

90. Defendant Borough of Carlstadt admits to the allegations set forth in Paragraph Ninety of Plaintiffs' Complaint.

91. Defendant Borough of Carlstadt admits to the allegations set forth in Paragraph Ninety-One of Plaintiffs' Complaint.

92. Defendant Borough of Carlstadt lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in Paragraph Ninety-Two of Plaintiffs' Complaint.

93. Defendant Borough of Carlstadt lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in Paragraph Ninety-Three of Plaintiffs' Complaint.

94. Defendant Borough of Carlstadt denies the allegations set forth in Paragraph Ninety-Four of Plaintiffs' Complaint.

95. Defendant Borough of Carlstadt lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in Paragraph Ninety-Five of Plaintiffs' Complaint.

**F. Carlstadt Continues its Violation of the Monitor's August 11 Letter Order and Plaintiffs' Civil Rights**

96. Defendant Borough of Carlstadt admits to the allegations set forth in Paragraph Ninety-Six of Plaintiffs' Complaint.

97. Defendant Borough of Carlstadt denies the allegations set forth in Paragraph Ninety-Seven of Plaintiffs' Complaint.

98. Defendant Borough of Carlstadt admits to issuing the tax assessment but denies the balance of the allegations set forth in Paragraph Ninety-Eight of Plaintiffs' Complaint.

99. Defendant Borough of Carlstadt admits to the allegations set forth in Paragraph Ninety-Nine of Plaintiffs' Complaint.

100. Defendant Borough of Carlstadt admits to the allegations set forth in Paragraph One Hundred of Plaintiffs' Complaint.

101. Defendant Borough of Carlstadt denies the allegations set forth in Paragraph One Hundred One of Plaintiffs' Complaint.

102. Defendant Borough of Carlstadt denies the allegations set forth in Paragraph One Hundred Two of Plaintiffs' Complaint.



103. Defendant Borough of Carlstadt denies the allegations set forth in Paragraph One Hundred Three of Plaintiffs' Complaint.

104. Defendant Borough of Carlstadt lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in Paragraph One Hundred Four of Plaintiffs' Complaint.

105. Defendant Borough of Carlstadt denies the allegations set forth in Paragraph One Hundred Five of Plaintiffs' Complaint.

#### **LEGAL CLAIMS**

##### **COUNT I**

##### **(Breach of Contract - Developer's Agreement)**

106. Defendant Borough of Carlstadt incorporates by reference its responses from Paragraphs One to One Hundred Five as if fully set forth at length herein.

107. Defendant Borough of Carlstadt admits to the allegations contained in paragraph One Hundred Seven of Plaintiffs' Complaint.

108. Defendant Borough of Carlstadt denies the allegations set forth in Paragraph One Hundred Eight of Plaintiffs' Complaint.

109. Defendant Borough of Carlstadt denies the allegations set forth in Paragraph One Hundred Nine of Plaintiffs' Complaint.

110. Defendant Borough of Carlstadt denies the allegations set forth in Paragraph One Hundred Ten of Plaintiffs' Complaint.

**WHEREFORE,** Defendant Borough of Carlstadt demands judgment dismissing the Complaint and awarding it attorney fees, cost of suit and such other relief that the Court deems appropriate.

## **COUNT II**

### **(Breach of Covenant of Good Faith and Fair Dealing)**

111. Defendant Borough of Carlstadt incorporates by reference its responses from Paragraphs One to One Hundred Ten as if fully set forth at length herein.

112. Defendant Borough of Carlstadt admits the allegations set forth in Paragraph One Hundred Twelve of Plaintiffs' Complaint.

113. Defendant Borough of Carlstadt denies the allegations set forth in Paragraph One Hundred Thirteen of Plaintiffs' Complaint.

114. Defendant Borough of Carlstadt denies the allegations set forth in Paragraph One Hundred Fourteen of Plaintiffs' Complaint.

115. Defendant Borough of Carlstadt denies the allegations set forth in Paragraph One Hundred Fifteen of Plaintiffs' Complaint.

116. Defendant Borough of Carlstadt denies the allegations set forth in Paragraph One Hundred Sixteen of Plaintiffs' Complaint.

117. Defendant Borough of Carlstadt denies the allegations set forth in Paragraph One Hundred Seventeen of Plaintiffs' Complaint.

**WHEREFORE,** Defendant Borough of Carlstadt demands judgment dismissing the Complaint and awarding it attorney fees, cost of suit and such other relief that the Court deems appropriate.

**COUNT III**  
**(Tortious Interference with Contract - Petra's Centra Loan Agreement)**

118. Defendant Borough of Carlstadt incorporates by reference its responses from Paragraphs One to One Hundred Seventeen as if fully set forth at length herein.

119. Defendant Borough of Carlstadt denies the allegations set forth in Paragraph One Hundred Nineteen of Plaintiffs' Complaint.

120. Defendant Borough of Carlstadt denies the allegations set forth in Paragraph One Hundred Twenty of Plaintiffs' Complaint.

121. Defendant Borough of Carlstadt denies the allegations set forth in Paragraph One Hundred Twenty-One of Plaintiffs' Complaint.

122. Defendant Borough of Carlstadt denies the allegations set forth in Paragraph One Hundred Twenty-Two of Plaintiffs' Complaint.

123. Defendant Borough of Carlstadt denies the allegations set forth in Paragraph One Hundred Twenty-Three of Plaintiffs' Complaint.

124. Defendant Borough of Carlstadt denies the allegations set forth in Paragraph One Hundred Twenty-Four of Plaintiffs' Complaint.

**WHEREFORE**, Defendant Borough of Carlstadt demands judgment dismissing the Complaint and awarding it attorney fees, cost of suit and such other relief that the Court deems appropriate.

**COUNT IV**  
**(Violation of 42 U.S.C. § 1983 and Takings Clause of the**  
**Fifth Amendment to the U.S. Constitution)**

125. Defendant Borough of Carlstadt incorporates by reference its responses from Paragraphs One to One Hundred Twenty-Four as if fully set forth at length herein.

126. Defendant Borough of Carlstadt denies the allegations set forth in Paragraph One Hundred Twenty-Six of Plaintiffs' Complaint.

127. Defendant Borough of Carlstadt denies the allegations set forth in Paragraph One Hundred Twenty-Seven of Plaintiffs' Complaint.

128. Defendant Borough of Carlstadt denies the allegations set forth in Paragraph One Hundred Twenty-Eight of Plaintiffs' Complaint.

129. Defendant Borough of Carlstadt denies the allegations set forth in Paragraph One Hundred Twenty-Nine of Plaintiffs' Complaint.

130. Defendant Borough of Carlstadt denies the allegations set forth in Paragraph One Hundred Thirty of Plaintiffs' Complaint.

**WHEREFORE,** Defendant Borough of Carlstadt demands judgment dismissing the Complaint and awarding it attorney fees, cost of suit and such other relief that the Court deems appropriate.

**COUNT V**  
**(Inverse Condemnation)**

131. Defendant Borough of Carlstadt incorporates by reference its responses from Paragraphs One to One Hundred Thirty as if fully set forth at length herein.

132. Defendant Borough of Carlstadt lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in Paragraph One Hundred Thirty-Two of Plaintiffs' Complaint.

133. Defendant Borough of Carlstadt denies the allegations set forth in Paragraph One Hundred Thirty-Three of Plaintiffs' Complaint.

134. Defendant Borough of Carlstadt denies the allegations set forth in Paragraph One Hundred Thirty-Four of Plaintiffs' Complaint.

135. Defendant Borough of Carlstadt denies the allegations set forth in Paragraph One Hundred Thirty-Five of Plaintiffs' Complaint.

136. Defendant Borough of Carlstadt denies the allegations set forth in Paragraph One Hundred Thirty-Six of Plaintiffs' Complaint.

137. Defendant Borough of Carlstadt denies the allegations set forth in Paragraph One Hundred Thirty-Seven of Plaintiffs' Complaint.

**WHEREFORE,** Defendant Borough of Carlstadt demands judgment dismissing the Complaint and awarding it attorney fees, cost of suit and such other relief that the Court deems appropriate.

**COUNT VI**  
**(Violation of 42 U.S.C. § 1983 and Equal Protection Clause**  
**of the Fourteenth Amendment to the U.S. Constitution)**

138. Defendant Borough of Carlstadt incorporates by reference its responses from Paragraphs One to One Hundred Thirty-Seven as if fully set forth at length herein.

139. Defendant Borough of Carlstadt denies the allegations set forth in Paragraph One Hundred Thirty-Nine of Plaintiffs' Complaint.

140. Defendant Borough of Carlstadt lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in Paragraph One Hundred Forty of Plaintiffs' Complaint.

141. Defendant Borough of Carlstadt lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in Paragraph One Hundred Forty-One of Plaintiffs' Complaint.

142. Defendant Borough of Carlstadt denies the allegations set forth in Paragraph One Hundred Forty-Two of Plaintiffs' Complaint.

143. Defendant Borough of Carlstadt denies the allegations set forth in Paragraph One Hundred Forty-Three of Plaintiffs' Complaint.

144. Defendant Borough of Carlstadt denies the allegations set forth in Paragraph One Hundred Forty-Four of Plaintiffs' Complaint.

**WHEREFORE,** Defendant Borough of Carlstadt demands judgment dismissing the Complaint and awarding it attorney fees, cost of suit and such other relief that the Court deems appropriate.

**COUNT VII**  
**(Violation of 42 U.S.C. § 1983 and Substantive Due Process**  
**Rights Under the Fifth and Fourteenth Amendments to the**  
**U.S. Constitution)**

145. Defendant Borough of Carlstadt incorporates by reference its responses from Paragraphs One to One Hundred Forty-Four as if fully set forth at length herein.

146. Defendant Borough of Carlstadt denies the allegations set forth in Paragraph One Hundred Forty-Six of Plaintiffs' Complaint.

147. Defendant Borough of Carlstadt denies the allegations set forth in Paragraph One Hundred Forty-Seven of Plaintiffs' Complaint.

148. Defendant Borough of Carlstadt denies the allegations set forth in Paragraph One Hundred Forty-Eight of Plaintiffs' Complaint.

149. Defendant Borough of Carlstadt denies the allegations set forth in Paragraph One Hundred Forty-Nine of Plaintiffs' Complaint.

150. Defendant Borough of Carlstadt denies the allegations set forth in Paragraph One Hundred Fifty of Plaintiffs' Complaint.

**WHEREFORE,** Defendant Borough of Carlstadt demands judgment dismissing the Complaint and awarding it attorney fees, cost of suit and such other relief that the Court deems appropriate.



**COUNT VIII**  
**(Violation of N.J. Civil Rights Act, N.J.S.A. 10:6-2, and**  
**Equal Protection Rights of Art. I, Para. 1 of the New**  
**Jersey Constitution)**

151. Defendant Borough of Carlstadt incorporates by reference its responses from Paragraphs One to One Hundred Fifty as if fully set forth at length herein.

152. Defendant Borough of Carlstadt denies the allegations set forth in Paragraph One Hundred Fifty-Two of Plaintiffs' Complaint.

153. Defendant Borough of Carlstadt lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth Paragraph One Hundred Fifty-Three of Plaintiffs' Complaint.

154. Defendant Borough of Carlstadt lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in Paragraph One Hundred Fifty-Four of Plaintiffs' Complaint.

155. Defendant Borough of Carlstadt denies the allegations set forth in Paragraph One Hundred Fifty-Five of Plaintiffs' Complaint.

156. Defendant Borough of Carlstadt denies the allegations set forth in Paragraph One Hundred Fifty-Six of Plaintiffs' Complaint.

157. Defendant Borough of Carlstadt denies the allegations set forth in Paragraph One Hundred Fifty-Seven of Plaintiffs' Complaint.

**WHEREFORE,** Defendant Borough of Carlstadt demands judgment dismissing the Complaint and awarding it attorney fees, cost of suit and such other relief that the Court deems appropriate.

**COUNT IX**  
**(Violation of N.J. Civil Rights Act, N.J.S.A. 10:6-2, and**  
**Due Process Rights of Art. I, Para. 1 of the New Jersey**  
**Constitution)**

158. Defendant Borough of Carlstadt incorporates by reference its responses from Paragraphs One to One Hundred Fifty-Seven as if fully set forth at length herein.

159. Defendant Borough of Carlstadt denies the allegations set forth in Paragraph One Hundred Fifty-Nine of Plaintiffs' Complaint.

160. Defendant Borough of Carlstadt denies the allegations set forth in Paragraph One Hundred Sixty of Plaintiffs' Complaint.

161. Defendant Borough of Carlstadt denies the allegations set forth in Paragraph One Hundred Sixty-One of Plaintiffs' Complaint.

162. Defendant Borough of Carlstadt denies the allegations set forth in Paragraph One Hundred Sixty-Two of Plaintiffs' Complaint.

163. Defendant Borough of Carlstadt denies the allegations set forth in Paragraph One Hundred Sixty-Three of Plaintiffs' Complaint.

**WHEREFORE,** Defendant Borough of Carlstadt demands judgment dismissing the Complaint and awarding it attorney fees, cost of suit and such other relief that the Court deems appropriate.

**COUNT X**  
**(Violation of N.J. Law Against Discrimination, N.J.S.A.**  
**10:5-12(1))**

164. Defendant Borough of Carlstadt incorporates by reference its responses from Paragraphs One to One Hundred Sixty-Three as if fully set forth at length herein.

165. Defendant Borough of Carlstadt denies the allegations set forth in Paragraph One Hundred Sixty-Five of Plaintiffs' Complaint.

166. Defendant Borough of Carlstadt denies the allegations set forth in Paragraph One Hundred Sixty-Six of Plaintiffs' Complaint.

167. Defendant Borough of Carlstadt denies the allegations set forth in Paragraph One Hundred Sixty-Seven of Plaintiffs' Complaint.

168. Defendant Borough of Carlstadt denies the allegations set forth in Paragraph One Hundred Sixty-Eight of Plaintiffs' Complaint.

**WHEREFORE,** Defendant Borough of Carlstadt demands judgment dismissing the Complaint and awarding it attorney fees, cost of suit and such other relief that the Court deems appropriate.

**AFFIRMATIVE DEFENSES**

**FIRST DEFENSE**

Plaintiffs have failed to state a claim upon which relief may be granted.

**SECOND DEFENSE**

Plaintiffs are barred from recovery due to its prior breach of the Contract.

**THIRD DEFENSE**

The claims against Defendant are barred by the terms and conditions of the Contract.

**FOURTH DEFENSE**

Plaintiffs are barred from recovery as a consequence of their failure to comply with the terms stipulated in the Contract.

**FIFTH DEFENSE**

Any losses suffered by Plaintiffs are a direct consequence of their own breach of the Contract and their failure to mitigate damages.

**SIXTH DEFENSE**

Any damages suffered by Plaintiffs are a result of

their own actions or inactions.

**SEVENTH DEFENSE**

Plaintiffs are barred from recovery by the equitable doctrine of unjust enrichment.

**EIGHTH DEFENSE**

Plaintiffs are barred from recovery of damages, if any, by the doctrine of equitable recoupment.

**NINTH DEFENSE**

Plaintiffs are barred from recovery by the equitable doctrine of laches.

**TENTH DEFENSE**

Plaintiffs are barred from recovery by the equitable doctrine of estoppel.

**ELEVENTH DEFENSE**

Plaintiffs are barred from recovery by the equitable doctrine of waiver.

**TWELFTH DEFENSE**

The Court lacks jurisdiction over all or a portion of Plaintiffs' claims.

**THIRTEENTH DEFENSE**

Defendant reserves the right to assert any additional defenses that may arise through discovery.

**RIGHT TO AMEND OR SUPPLEMENT ANSWER**

Defendant Borough of Carlstadt reserves the right to

amend or supplement its Answer at or before trial, as additional information is obtained through investigation and discovery.

**JURY TRIAL DEMAND**

Defendant Borough of Carlstadt hereby demands a trial by jury on all issues so triable.

**DESIGNATION OF TRIAL COUNSEL**

Defendant Borough of Carlstadt hereby designates Joseph R. Donahue, Esq. as trial counsel in this matter.

**CERTIFICATION PURSUANT TO L. CIV. R. 11.2**

I certify that apart from a tax lien filed against the Property, this matter is not the subject of any other action pending in any court, or of any pending arbitration or administrative proceeding; no other action, arbitration or administrative proceeding is contemplated to my knowledge; and I know of no other parties who should be joined in this action at this time.

**BRICKFIELD & DONAHUE**

70 Grand Avenue, Suite 100  
River Edge, New Jersey 07661  
(201) 488-7707  
Attorneys for Defendant  
Borough of Carlstadt

/s/ Joseph R. Donahue

By:

Joseph R. Donahue, Esq.

Dated: October 27, 2022

**CERTIFICATION OF SERVICE**

I certify that the within Answer was served on this date via electronic delivery upon the following counsel of record via ECF filing:

Angelo J. Genova, Esq.  
Matthew I. W. Baker, Esq.  
Genova Burns, LLC  
494 Broad Street  
Newark, NJ 07102

**BRICKFIELD & DONAHUE**  
70 Grand Avenue, Suite 100  
River Edge, New Jersey 07661  
(201) 488-7707  
Attorneys for Defendant  
Borough of Carlstadt

By: /s/ Joseph R. Donahue  
Joseph R. Donahue, Esq.

Dated: October 27, 2022